UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1144

08 APR 14 AM 11:35
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jorge Alejandro DAVALOS-Garcia,** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 12, 2008** within the Southern District of California, defendant, **Jorge Alejandro DAVALOS-Garcia,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **APRIL 2008.**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jorge Alejandro DAVALOS-Garcia

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On April 12, 2008, Border Patrol Agent R. Perez was performing line watch duties in the Imperial Beach area of operations. At approximately 2:00 a.m., the West Scope Operator reported via service radio that one individual was seen walking north in an area known as the "Saddle". This area is approximately five miles west of the San Ysidro, California, Port of Entry and is approximately one-half mile north of the United States/Mexico International Boundary Fence. This area is commonly used by illegal aliens to further their illegal entry into the United States.

Agent Perez responded to the area and encountered an individual concealing himself in the dense brush. Agent Perez identified himself as a U.S. Border Patrol Agent and questioned the individual, later identified as the defendant **Jorge Alejandro DAVALOS-Garcia**, as to his citizenship and immigration status. The defendant freely admitted that he was a citizen and national of Mexico illegally present in the United States. At approximately 2:10 a.m., Agent Perez arrested the defendant and had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 1, 1996** through **El Centro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on April 13, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 12, 2008**, in violation of Title 8, United States Code, Section **1326**.

Barbara L. Major
United States Magistrate Judge

4/13/08 at 9:31am
Date/Time